

13 January 1988
OCA88-0078

NOTE FOR: [REDACTED]

Deputy General Counsel

FROM:

Dave Gries [REDACTED]

SUBJECT:

House Intelligence Oversight Legislation

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It is likely the Director will be asked to appear before the HPSCI on 4 February to testify on H.R. 3822, the Intelligence Oversight Act of 1987. The House bill is similar to the Senate oversight legislation. My staff has prepared the attached draft testimony at Tab A for the Director, and I would appreciate receiving your comments on the testimony by 22 January. I have also attached at Tab B a draft position paper on the House bill. It is important that we have the views of OGC on this paper by 15 January because we intend to use the paper as the basis for discussion with the HPSCI staff on the bill. Also attached at Tab C are copies of the House and Senate bills, along with an analysis of how the House bill differs from the Senate bill.

Finally, I would appreciate OGC taking a hard look at the draft report language that will accompany the definition of special activities in the Senate bill. That report language is attached at Tab D. [REDACTED] has a copy of the entire draft report. It appears that the SSCI staff followed through on their promise that the legislative history would endorse the Agency's current interpretation of when findings are required. We still intend to request the Director to raise this issue before the HPSCI in order to obtain the best language possible in the House bill. However, if the report language is acceptable to OGC, we can use this language as our fallback position should the Agency be unsuccessful in persuading the HPSCI to adopt language defining special activities that is more favorable than that contained in the Senate bill. For this tactic to succeed, it will be necessary to avoid inadvertently creating "negative legislative history" by characterizing to the HPSCI the Senate language as completely and totally insufficient to satisfy our concerns.

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c.c.

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Danny Childs

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